IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 400 of 1999

Between:

1. Datla Sri Ramamurthy Raju, S/o.Satyanarayana Raju, Hindu, aged about 50 years, R/o.Losarigutlapadu Village, Bhimavaram Mandal, West Godavari District.

2. K.Veera Raghavulu, S/o.Somayya, Hindu, aged about 40yrs, R/o.Losarigutlapadu Village, Bhimavaram Mandal, West Godavari District.

.....
PETITIONERS

AND

The Mandal Revenue Officer, Bhimavaram Mandal,
Bhimavaram Mandal, West Godavari District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction, more in the nature of Writ of Mandamus, directing the respondent to grant D.K.T. Pattas in favour of the petitioners in respect of the lands admeasuring an extent of Ac.1-80 cents in favour of the first petitioner and the land admeasuring an extent of Ac.1-00 cents in favour of the second petitioner situated in R.S.No.2423/2 of Losarigutlapadu Village, Bhimavaram Mandal, West Godavari District, by declaring that the inaction of the respondent in not considering the applications of the petitioners for grant of D.K.T. Pattas in favour of the petitioners from and the high handed action of the respondent in trying to evict the petitioners from their respective lands without issuing any notice whatsoever is highly arbitrary, violative of principles of natural justice, mala fide, illegal and violative of Articles 14 and 21 of the Constitution of India.

Counsel for Petitioners: MR. C.RAMACHANDRA RAJU

Counsel for the Respondent : GP FOR REVENUE

The Court made the following :

O R D E R:

This writ petition is filed seeking Writ of Mandamus, to direct the respondent to issue D.K.T. Pattas in respect of the land admeasuring Ac.1-80 cents in favour of the first petitioner and Ac.1-00 in favour of the second petitioner, situated in R.S.No.2423/2 of Losarigutlapadu village, Bhimavaram mandal in West Godavari district.

2) It is the case of the petitioners that they are landless poor persons, that there is a poramboke land notified by the Government and that they are entitled for issuance of D.K.T. Pattas in their favour. It is their claim that in spite of their long-standing possession, without taking any decision on their representation for grant of D.K.T. Pattas, the respondent-Mandal Revenue Officer was taking steps to evict them without conducting any enquiry and without any prior notice.

3) No counter-affidavit is filed on behalf of the respondent though the writ petition is of the year 1999.

4) This Court by order dated 13.1.1999 in W.P.M.P. No.457 of 1999 passed interim orders directing the respondent not to dispossess the petitioners from the lands referred above. Whether the petitioners are entitled for D.K.T. Pattas or not is a matter to be considered in accordance with the relevant rules by the respondent authorities. There cannot be any positive direction by way of Mandamus for issuance of D.K.T. Pattas in favour of the petitioners. But, at the same time as the petitioners are claiming long-standing possession over the land in question and when their claim for grant of D.K.T. Pattas is pending consideration, they cannot be evicted and ousted from their respective lands, without considering their claim for grant of assignment. Though it is stated that the petitioners have earlier applied for grant of assignment, but a copy of such representation is

not filed.

5) In the above said circumstances, as much as the counter-affidavit is not filed on behalf of the respondent, I dispose of the writ petition, permitting the petitioners to make a fresh application for grant of D.K.T. Pattas in their favour with regard to the land in their possession within a period of 4 (four) weeks from the date of receipt of the order. On filing such application, the respondent shall consider for grant of D.K.T. Pattas in favour of the petitioners in accordance with the relevant rules and circulars applicable in this regard. Till such decision is taken and communicated to the petitioners, no steps shall be taken for dispossession of the petitioners.

6) Subject to the above direction, the writ petition is disposed of.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1.The Mandal Revenue Officer, Bhimavaram Mandal,
Bhimavaram, West Godavari District.
2.Two CCs to the GP for Revenue.
2.Two CD copies.